

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and the remarks made herein.

Claims 1-6 are pending and stand rejected. Claims 1-3 have been amended.

Claims 1-6 stand rejected under 35 USC §112, second paragraph as being indefinite. The Office Action states that the term "selected from the group of data" is unclear.

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the claims have been amended to recite that a selected ones of the data in a selected one of the successive groups of data are applied from the input circuit to the terminals and that when a data item is not valid, a valid data item selected from among the data items within the selected group of data is applied. No new matter has been added. Support for the amendment may be found in at least Figure 1 which illustrates selected groups ABCD (GRP(i)), BCDE (GRP(i+1)), and CDEF (GRP(i+2)) and the subsequent selection of valid data items selected from the group to replace the invalid data item E.

Having amended the independent claims to more clearly state the invention, applicant submits that the reason for the rejection has been overcome. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claims 1-6 stand rejected under 35 USC 102(e) as being anticipated by Gratacap (USP no. 6,195,368). In rejecting applicant's arguments in the applicant's Response to the previous Office Action, the instant Office Action states that "[t]he valid data items (i.e., the transport packets to-be retained) comes from the group of data (i.e., the transport stream)."

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims.

As stated in the Response to the previous Office Action, Gratacap describes a method and system for remultiplexing program bearing data wherein invalid data item are discarded. See for example, col. 20, lines 52-55, which state, in part, "[a]s the name

suggest, the processor simply discards the transport packet." (emphasis added). See also, col. 23, lines 54-56, which state in part, "[a]ccording to this process, the process 160 simply skips the transport packet and descriptor therefore. The examined descriptor is not counted as one of the j transport packets to be output." (emphasis added). See also col. 26, lines 2-5, which state, in part, "selectively discards each transport packet having a PID indicating that the transport packet is not to be retained." And, see col. 28, lines 1-6, which state "[a]s noted above, if the transport packet corresponding to a descriptor in a queue examined by the processor 160 is not to be outputted ... the PID of this transport packet will index a transmit PID handler subroutine ... that does nothing." (emphasis added).

Hence, rather than applying a valid one instead of an invalid one as recited in the claims, discarding of transport packets is repeated throughout the teachings of Gratacap.

The instant Office Action refers to Gratacap's reference to "to-be retained" data packets as teaching that invalid data items are replaced by valid data packets. However, Gratacap fails to provide such a teaching. More specifically, Gratacap teaches that when a data item is to be discarded the pointers are realigned so that the invalid data item is not included in the transport stream. Hence, rather than teaching replacing invalid data items, Gratacap teaches that the valid data items are to be retained and the not-valid items are to be discarded.

Gratacap cannot be said to anticipate the present invention because Gratacap fails to disclose the claim element " applying a valid date item selected from among the data items within the selected the group of data," as is stated in the claim.

Having shown that Gratacap fails to disclose each and every element recited in the claim, applicant submits that the reason for the rejection of the claim has been overcome. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claims 2 and 3, these claims were rejected citing the same reference used in rejecting claim 1. Claims 2 and 3 include subject matter similar to that recited in claim 1. Thus, the applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of claims 2 and 3. In view of the amendments made to the claims and for the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, herein, in response to the rejection of the above

referred to claims, applicant submits that the reason for rejecting these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to claims 4-6, these claims depend from independent claims 1-3, respectively, which have been shown to be allowable over the cited prior art.

Accordingly, claims 4-6 are also allowable by virtue of their dependence upon an allowable base claim. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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